

U.S. Department of State
Instructions/Guidelines for
REQUEST TO CHANGE END USER, END USE AND/OR DESTINATION OF
HARDWARE
Form DS-6004

The Form DS-6004 is used to request approval prior to any sale, transfer, transshipment or disposal, whether permanent or temporary, of classified or unclassified defense articles to any end user, end use or destination other than as stated on a license or other approval or on an electronically filed Shipper's Export Declaration or "Export Declaration of Defense Technical Data or Services" (Form DS-4071), in cases where an ITAR (International Traffic in Arms Regulations, 22 CFR 120-130) exemption is claimed. This form is submitted to the Directorate of Defense Trade Controls (DDTC).

U.S. persons prior to submitting your request should determine that:

- Your DDTC registration is valid. If your registration has expired, your request may not be processed.
- The eligibility requirements of 22 CFR §§120.1(c) and 126.13 can be satisfied. If they cannot be satisfied, you are not eligible to make this request without a transaction exception.
- All required supporting documentation is available for submission with your request.

General Instructions:

1. It is the policy of the Department of State to require that the registered U.S. person who was the original exporter make a DS-6004 request on behalf of a foreign person. However, when the U.S. exporter is no longer in business or cannot be located, the foreign person may seek the assistance of a U.S. registered person, to include their Embassy in the United States, or may make the request directly to DDTC. For requests made by the foreign person or by U.S. persons on behalf of the foreign persons, DDTC may, if the original exporter is known, Return Without Action (RWA) the DS-6004 and inform the foreign person of the location of the original applicant.

2. All blocks with an asterisk must be completed. The remaining blocks, while not mandatory, provide information that will assist in reviewing your request. In addition, failure to provide information that is essential to the review may be a regulatory violation.

3. You will be asked to identify the supporting documents that you submit with your request. There is a mandatory requirement for a certification from foreign owners regarding the original acquisition for any request submitted on their behalf. Other documentation is optional and includes:

- a) Purchase Order
- b) Related Technical data
- c) Firearms and ammunition Import Permit

- d) 22 CFR §126.13 eligibility letter
- e) DSP-83
- f) 22 CFR 130 report
- g) Transaction Exception Request

Note. Requests from foreign persons or U.S. persons acting on their behalf will require documentation from the original export (e.g., original order, U.S. export documents, any conditions of approval received from the U.S. exporter or the U.S. Government at the time of the original export).

4. CLASSIFIED DOCUMENTATION: **NO** Classified documentation may be transmitted electronically. If classified documentation is required to support your transaction, the applicant should note in the submission that classified documentation is being transmitted under separate cover with a paper copy of the electronic submission.

Specific Instructions/Guidelines:

***Block 1.** Date Prepared. For applications submitted electronically, the date prepared is automatically entered (month/day/year). It is updated each time the application is opened until submission to DDTC, at which time the application must be digitally signed.

***Block 2.** Type of Transfer. Select one. You can have only one country of ultimate destination for the permanent export of defense article(s). For temporary export, you may have more than one country.

Block 3. DDTC Applicant/Registrant Code. All U.S. persons as defined in the ITAR must enter their DDTC applicant/registrant code number, including the pre-fix letter “M” if applicant is a manufacturer and/or exporter. The last four/five digits of this number are unique to your company.

***Block 4.** Change in hardware’s end user, end use, and/or destination. Select all that apply.

***Block 5.** Applicant Name, Address, ZIP Code and Telephone number. When submitting by paper, the first line must reflect name under which company is registered. Subsequent lines may identify a specific subsidiary of the applicant company. When submitting electronically, if a subsidiary is involved select subsidiary box and provide information. Use the address at which the applicant is located; do not use Post Office Box numbers. Also, select one of the boxes to indicate that you are 1) the original exporter, 2) a U.S. person submitting on behalf of the foreign owner, 3) foreign embassy submitting on behalf of foreign owner; or, 4) the current foreign owner. Foreign owners making requests are not required to register with DDTC. U.S. persons submitting on behalf of a foreign owner who are not in the business of manufacturing or exporting defense articles are provided relief from registration since the DDTC determination will be forwarded directly to the foreign owner with a copy to the U.S. person acting on their behalf. All other requesters must be registered with DDTC.

***Block 6.** Name and address of current foreign owner. Choose “same as block 5” or provide the complete name and address. Do not use P.O. Box numbers. The foreign owner means the foreign person who has been authorized by DDTC (e.g., license, ITAR exemption) to be the ultimate end user of the defense article(s).

Block 7. Name and telephone of applicant contact. List individual(s) familiar with this transaction who can respond to DDTC staff or other government agencies. The individual(s) should be prepared to answer procedure and/or technical questions. You may list more than one individual and provide their area of expertise. Please do not list an individual who is not familiar with the transaction and thus unable to respond. Do not list U.S. Government personnel.

Block 8. Country(s) of export. If submission is electronic, select the country(s) from the list. If the request is for permanent export you may select only one country of ultimate destination. If the request is for temporary export you may select more than one country. For submissions using the paper application, spell out the country name (e.g., United Kingdom). Do not use abbreviations or acronyms (e.g., UK).

Block 9. Name, agency and telephone number of U.S. Government personnel familiar with this request. For each individual identified, check the agency and provide name and phone number.

***Block 10.** USML Category Number. Use the initial DDTC approval or 22 CFR 121 to determine the U.S. Munitions List (USML) category and subcategory. Although only the category and subcategory are required, applicants are encouraged to provide the commodity code that was identified on the original approval. Identification of the commodity code may enhance the U.S. Government interagency review process. Commodity Code list is a drop down menu for electronic filers.

***Block 11.** Quantity. State the number/amount of each end item, major component and system identified in Block 12. An itemized list of the minor components or parts may be required as an attachment to your request. Do not use terms such as “lots” unless deemed appropriate and fully explained in Block 12. “Lots” is generally only acceptable when used as a quantity for minor components or parts. Unit Type selections include the following: bags, barrels or drums, boxes, bullet or rounds, bundles, cases, containers, copies, dozen, dozen pairs, feet, forgings, gallon, grams, gross, gross containers, gross lines, inches, items, kilos, kits, line, liters, lots, magaz, man years, meters, number, ounces, packs, packets, pairs, pallets, pieces, pounds, quarts, rolls, sets, sheets, shipset, square meters, squares, systems, tins, tons, tubes, units, visits, wafers, and yards.

***Block 12.** Commodity. The commodity description should be identical to that shown on the original export approval. In instances when a foreign owner is submitting the request or a U.S. person is acting on their behalf, the DDTC approval and/or U.S. Government shipping documentation provided by the U.S. person authorized to make the initial export should be used.

***Block 13.** Value.

Unit Price. Enter the unit price (in U.S. dollars) of the commodity listed in Block 12.

Line Item Total: For requests submitted electronically, you do not need to enter a line item total. The software is designed to determine the total value by computing the quantity and unit price.

***Block 14.** Is the defense article Significant Military Equipment (SME)? You must identify whether the commodity in Block 12 is SME.

***Block 15.** Is DSP-83 Required? Select yes or no.

***Block 16.** Is the defense article a Missile Technology Control Regime (MTCR) Annex item? You must identify whether the commodity in Block 12 is a MTCR Annex item.

***Block 17.** Total Value. This value is the value of all line item totals. For requests submitted electronically, the applicant is not required to compute this value. The software is designed to determine the total value by adding all the line item totals.

***Block 18.** The U.S. origin defense article(s) was authorized for export from the U.S. Check all that apply and provide the DDTC approval number(s). If unknown or other is checked, provide sufficient rationale regarding the transaction and provide all available documents related to the original transaction.

Note. You must check one of the items. So that the U.S. Government has adequate documentation to review the transaction, foreign persons or U.S. persons submitting on behalf of a foreign person are advised to submit all available documentation, to include purchase order, shipping documents and any conditions or approval provided by the U.S. Government or the U.S. exporter.

***Block 19.** Identify highest Government Security Classification of commodity to be transferred: Block 19(a). Provide the highest U.S. Government classification of the commodity(s) in Block 12. Select one of the following: unclassified, confidential, secret or top secret. Block 19(b). Is any commodity identified in Block 12 classified by the government of the current owner? If yes, provide the highest level of foreign government classification.

***Block 20.** Description of end use. Provide a description of the end use for which the new end-user will use the defense article. The details provided in this block are essential in determining the outcome of your request both in processing time and the U.S. Government determination.

***Block 21.** Name and address of foreign end user. Select same as Block 5 or Block 6 or provide name and address of new foreign end user. Do not provide P.O. Box numbers.

***Block 22.** Name and address and role of foreign consignor, including foreign freight forwarder. Select "none" or provide the name and address and role of foreign consignor (e.g., DNY, Inc. 1 Way Down, Australia, acting as foreign freight forwarder for delivery of commodity(s) to end user). Do not provide P.O. Box numbers.

***Block 23.** Name, address and role of foreign consignee. Select "none" or provide the name, address and role of new foreign consignee. Do not provide P.O. Box numbers. Provide specific details of the role of the new foreign consignee (e.g., purpose for which they will receive the hardware).

Block 24. Additional Details of Transaction. Provide any additional information that you believe will assist in better understanding the proposed transaction, to include explanation of attached documentation, licensing history of the product, parties to the transaction, identification and information of Government-to-Government Memorandums and U.S./foreign government programs.

***Block 25.** Name and address of new foreign intermediate consignee. Select “none” or provide the name and address. Do not provide P.O. Box numbers.

Block 26. U.S./Foreign Embassy Applicant Statement. For electronic submissions type the name of the individual who will sign the request and check the boxes that apply to authorization by the applicant to certify the transaction and compliance with 22 CFR §126.13 and 130.

Block 27. Foreign Person Applicant Statement. For electronic submissions type the name of the individual who will sign the request and check the boxes that apply to certification of the transaction and compliance with 22 CFR §126.13.

Notes:

1. For requests by U.S. persons registered with DDTC (anyone in the business of manufacturing or exporting defense articles) the individual whose name is in this field must be an ITAR empowered official (see 22 CFR §120.25).

2. Requests by foreign persons must be signed by an employee of the foreign owner of the hardware and must have attached to the electronic request a certification for the transaction.

3. Persons filing a request on behalf of the foreign owner must have attached to the electronic request a certification for the transaction.

4. Per the ITAR, the individual signing the request from U.S. persons must register with DDTC in accordance with the Arms Export Control Act, and must meet all the criteria stated in 22 CFR §120.25. The criteria include that the individual:

- Is a U.S. citizen, or is lawfully admitted to the U.S. for permanent residence, or an official of a foreign government acting in their official capacity; and
- Has responsibility for ensuring compliance with all the facts stated in the request; and
- Is responsible for seeking all the required certifications of the form, as well as abiding by all other provisions of the ITAR; and
- Can certify the conditions of 22 CFR §126.13 have been met and that the applicant and other parties to the request are eligible.

***Block 28.** Response to be sent to. FOR PAPER SUBMISSIONS ONLY. Provide the complete name, address and phone number.